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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,218	07/28/2003	James Lazar	YUDI.PAU.01	5461
7590	07/13/2004			
Daniel L. Dawes Myers Dawes Andras & Sherman LLP 11th Floor 19900 MacArthur Blvd Irvine, CA 92612			EXAMINER COX, CASSANDRA F	
			ART UNIT 2816	PAPER NUMBER
DATE MAILED: 07/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,218

Applicant(s)

LAZAR, JAMES

Examiner

Cassandra Cox

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,16,17,19,20 and 25 is/are rejected.
- 7) ☒ Claim(s) 3,6-9,18 and 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-5, 16-17, 19-20, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Mohan et al. (U.S. Patent No. 5,656,924).

In reference to claim 1, Mohan discloses in Figure 1 an active filter that can be connected to a power line between a power source and a load, the active filter comprising: a current generator (30) that can be connected to the power line, wherein in response to a control signal (34) the current generator (30) generates a current (i_n) to compensate for polluting harmonics on the power line; and a controller (32) that generates a control signal that controls the current generator (40) to compensate for the

polluting harmonics on the power line, such that the current (i_n) does not exceed a selected threshold value (see column 4, lines 1-9). The same applies to claim 16.

In reference to claim 2, Mohan discloses in Figure 1 wherein the controller further includes a limiter (not shown, but considered inherent to this particular controller) that generates the control signal (34) based on feedback values of the current (i_n) and the current (i_{La} , i_{Lb} , i_{Lc}) flowing through the load (16), to control the current generator (30) such that the current (i_n) does not exceed the selected threshold value (see column 4, lines 1-9). The same applies to claim 17.

In reference to claim 4 Mohan discloses in column 3, lines 50-60 that the limiter (of controller 32) is configured to control the current generator (30) even if the current necessary to compensate for the polluting harmonics on the power line exceeds the selected threshold value, the current (i_n) is limited to at most the selected threshold value. The same applies to claim 19.

In reference to claim 5, Mohan discloses in Figure 1 wherein the power source (located at lines 12A, 12B, 12C) comprises an input voltage source providing a voltage v_s ; and because the claimed structure is fully met by Mohan, the recited function or "result" limitations "the limiter generates the control signal such that the current i_{APF} is controlled as..." will necessarily be inherent in Mohan, as held by the court in *In re Best*, 195 USPQ 430. The same applies to claim 20.

In reference to claim 25, Mohan discloses in column 4, lines 1-9 wherein the step of controlling the current generator (30) further includes controlling the current generator to compensate for the polluting harmonics on the power line, such that the current (i_n) is bounded by a selected upper threshold and a selected lower threshold.

Allowable Subject Matter

4. Claims 10-15 are allowed.
5. Claims 3, 6-9, 18, and 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: Claims 3 and 18 would be allowable because the closest prior art of record fails to disclose a circuit as shown in Figure 3 wherein the circuit further comprises a first sensor (20) and a second sensor (22) in combination with the rest of the limitations of the base claims and any intervening claims. Claims 6-7 and 21-22 would be allowable because the closest prior art of record fails to disclose a circuit as shown in Figure 2 wherein the circuit further comprises a reference current generator (28) in combination with the rest of the limitations of the base claims and any intervening claims. Claims 8-9 and 23-24 would be allowable because the closest prior art of record fails to disclose a circuit as shown in Figure 3 wherein the current generator comprises a switch (30) in combination with the rest of the limitations of the base claims and any intervening claims.
7. The following is an examiner's statement of reasons for allowance: Claims 10-15 are allowed because the closest prior art of record fails to disclose a circuit as shown in Figure 3 wherein the controller (26) includes a first sensor (20) and a second sensor (22) in combination with the rest of the limitations of the base claims and any intervening claims.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Cox whose telephone number is 571-272-1741. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM and on alternate Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CC

July 08, 2004


TIMOTHY P. CALLAHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800